

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-11803-MLW

SHENIA DANCY-STEWART as  
Administratrix of the Estate of EVELINE  
BARROS-CEPEDA,  
Plaintiffs,

v.

THOMAS TAYLOR, Jr., and the CITY  
OF BOSTON,  
Defendants.

**DEFENDANTS CITY OF BOSTON'S AND THOMAS TAYLOR'S MOTION TO  
COMPEL NONPARTY WITNESS' LUIS CARVALHO'S DEPOSITION TESTIMONY**

Defendants, City of Boston and Thomas Taylor, Jr. ("Defendants"), move this Honorable Court pursuant to Fed. Civ. R. P. 37 for an order compelling the nonparty witness, Luis Carvalho, to answer the majority of deposition questions he refused to answer on Fifth Amendment ground in the above-captioned matter. As grounds therefore, the Defendants assert that the Fifth Amendment does not apply to the majority of questions posed and accordingly, Mr. Carvalho must be required to answer and provide testimony.

In support of said motion, the Defendants submit the accompanying Memorandum of Law.

*WHEREFORE:* The Defendants City of Boston and Thomas Taylor, Jr. respectfully request that this Honorable Court allow their motion.

Respectfully submitted,  
DEFENDANTS, THOMAS TAYLOR, JR.  
AND CITY OF BOSTON,

By their attorneys:

/s/ Helen G. Litsas

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**CERTIFICATE OF SERVICE**

I, Helen G. Litsas, hereby certify that on this date I served a copy of the foregoing documents upon lead plaintiff's counsel, Andrew Stockwell-Alpert, by electronic filing and by postage prepaid, first class, U.S. Mail, and to counsel for Mr. Carvalho by regular mail and facsimile.

2/29/08            /s/ Helen G. Litsas

Date                Helen G. Litsas

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Pursuant to L.R. D. Mass. 7.1(A)(2), I hereby certify that I communicated with Plaintiff's Attorney, Andrew Stockwell-Alpert, regarding *Defendants Thomas Taylor and City of Boston's Motion To Compel*, and we were unable to narrow the issues.

2/29/08          /s/ Helen G. Litsas

Date              Helen G. Litsas